

### REMARKS

This amendment responds to the office action mailed September 17, 2003. Claims 1-67 are currently pending. Claims 1, 4, 15, 16, 21, and 24 have been amended to more clearly define the invention being claimed. New claims 46-47, 50-61, and 63 incorporate the subject matter of claims 5-7, 10, 20, 27-32, and 36-39, respectively. New claims 64-67 incorporate the subject matter of claims 17-18 and 24-25, respectively.

New claim 45 is dependent upon claim 41. New claims 47 and 48 are dependent upon new claim 46, and new claim 62 is dependent upon new claim 61.

It is respectfully submitted that no new matter has been added by this amendment.

#### Allowable Subject Matter

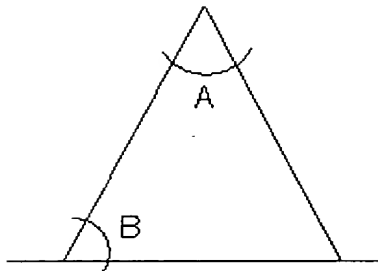
Applicants wish to thank the Examiner for the allowance of claims 41-44 and for the indication that claims 4-7, 11, 16-20, 24-25, 27-32, and 36-39 contain allowable subject matter.

As new claims 46-47, 50-61, and 63 incorporate the subject matter of claims 5-7, 10, 20, 27-32, and 36-39, respectively, it is respectfully submitted that these claims, as well as new dependent claims 45, 47-48, and 62, are allowable over the prior art. Similarly, as new claims 64-67 incorporate the subject matter of claims 17-18 and 24-25, respectively, it is respectfully submitted that these claims are allowable over the prior art.

#### Rejections under 35 U.S.C. § 102

Claims 1, 8, 15, 21-23, 26, and 40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,511,509 to Ford et al. ("Ford"). This rejection is respectfully traversed.

Claims 1, 15 and 21 have been amended to recite that an acute angle is formed at the tip of the pyramid-shaped teeth of the implant (angle A in the diagram below). These claims no longer recite a limitation pertaining to the angle formed between the sides and the top/bottom surface of the implant (angle B, below), which, as the Examiner has pointed out in the outstanding Office Action, is inherently acute. Support for these amendments may be found, for example, on page 5, lines 12-13, and Figs. 2, 3, 5, 7, and 10B of the originally-filed specification.



Ford fails to disclose that the angle formed at the tip of the teeth is an acute angle. The Examiner has conceded this by the indication that the subject matter of claims 4, 16, and 25 are allowable over the prior art, as the 60° angle recited in these claims is an acute angle.

Thus, for at least the reasons stated above, it is respectfully submitted that claims 1, 15, and 21, and their respective dependent claims are not anticipated by Ford, and it is respectfully requested that the rejection of these claims be withdrawn.

#### **Rejections under 35 U.S.C. § 103**

Claims 2-3, 9-10, 12-14, and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford et al. in view of United States patent No. 6,371,988 to Pafford et al. ("Pafford"). This rejection is respectfully traversed.

As discussed above, it has been acknowledged by the Examiner that both Ford and Pafford, either solely or in combination with each other, fail to disclose or suggest that the teeth of the implant have a pyramid shape with an acute angle at the tip. Thus, because Ford and Pafford fail to disclose or suggest at least this element of independent claims 1, 10, 15, and 21, it is respectfully submitted that dependent claims 2-3, 9, 12-14, and 33-35 are allowable over the prior art, and it is respectfully requested that the rejection of these claims be withdrawn.

#### **Additional Remarks**

Please note that the above amendments have been made for the purpose of expediting the prosecution of the present application, and that Applicants have not conceded to the arguments made by the Examiner that Ford and Pafford, either singly or in combination, constitute prior art to the originally-filed claims of the present application. Applicants expressly reserve the right to pursue the subject matter of the original claims, for example, in a subsequent continuation application.

It is also noted that U.S. Patent Nos. 6,554,863, 6,258,125, and 6,143,033, all to Paul et al., are not prior art to the present application, as the present application claims priority to the applications from which these patents have issued.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212.790.6295, if a telephone call could help resolve any remaining items.

Submitted concurrently herewith are (1) a Petition for Extension of Time under 37 CFR § 1.136; and (2) a Fee Transmittal Sheet for new claims 45-60, along with the appropriate fees. No other fees are believed due with the submission of this amendment. Should any other fees be due, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully submitted,

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